

REED SMITH LLP

FAX TRANSMITTAL

From: Jody L. Burtner
 Direct Phone: 412.288.3233
 Email: jburtner@reedsmith.com
 Date: September 15, 2004

Reed Smith LLP
 435 Sixth Avenue
 Pittsburgh, PA 15219-1886
 412.288.3131
 Fax 412.288.3063

Total Number Of Pages Including Cover Page 14

FAX TO

Name	Company	Fax Number	Phone Number
Ms. Darlene Lyon	U.S. Patent and Trademark Office	703-308-5065	

Original will follow via: Regular Mail Overnight Delivery Messenger None

NOTES:

Re: Applicants: PODLUCKY et al.
 Title: TEA BREWING SYSTEM
 Serial No.: 10/076,253
 Filed: February 13, 2002
 Conf. No.: 8603
 Art Unit: 1761
 Examiner: A. J. Weier
 Docket No.: 01-410-US

CUSTOMER SERVICE
PUBLISHING DIVISION

SEP 15 2004

RECEIVED

If you do not receive all of the pages, please call Lori at 412.288.4160.

Please Transmit Before 9 10 11 a.m. 12 1 2 3 4 5 6 7 8 p.m.

Client Number: 253623 Matter Number: 20015 Attorney Number: 1354
 Transmission Time: : a.m./p.m. Finish Time: : a.m./p.m.
 Operator: _____

PLEASE NOTE: The information contained in this facsimile message may be privileged and confidential, and is intended only for the use of the individual(s) or entity named above who has been specifically authorized to receive it. If the reader is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return all pages to the address shown above. Thank you.

ReedSmith

Louis A. DePaul, Esq.
Direct Phone: 412.288.3054
Email: ldepaul@reedsmith.com

Reed Smith LLP
435 Sixth Avenue
Pittsburgh, PA 15219-1886
412.288.3131
Fax 412.288.3063

September 15, 2004

VIA TELEFAX 703-308-5065
Attention: Ms. Darlene Lyon
Commissioner for Patents
MAIL STOP ISSUE FEE
P.O. BOX 1450
Alexandria, VA 22313-1450

Re: Applicants: PODLUCKY et al.
Title: TEA BREWING SYSTEM
Serial No.: 10/076,253
Filed: February 13, 2002
Conf. No.: 8603
Art Unit: 1761
Examiner: A. J. Weier
Docket No.: 01-410-US

Dear Sir:

Enclosed are the following for filing in connection with the above-referenced application:

1. A Petition to Withdraw Holding of Abandonment Pursuant to 37 CFR 1.181 with attachments.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

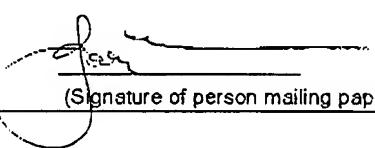
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being

MAILED

FACSIMILE

deposited with the United States Postal Service on with transmitted by facsimile on September 15, 2004 to the U.S. sufficient postage as first-class mail in an envelope addressed to Patent and Trademark telefax number 703-308-5065.

Jody L. Burner


(Signature of person mailing paper or fee)

(Signature of person mailing paper or fee)

LONDON • NEW YORK • LOS ANGELES • SAN FRANCISCO • WASHINGTON, D.C. • PHILADELPHIA • PITTSBURGH • OAKLAND • PRINCETON
FALLS CHURCH • WILMINGTON • NEWARK • MIDLANDS, U.K. • CENTURY CITY • RICHMOND • HARRISBURG • LEESBURG • WESTLAKE VILLAGE

reedsmith.com

MAIL STOP ISSUE FEE
September 15, 2004
Page 2

ReedSmith

The Director is authorized to charge any payment due in connection with this submission, or to credit any overpayment to Deposit Account No. 18-0582. A duplicate copy of this authorization is enclosed.

Very truly yours,

REED SMITH LLP


By

Louis A. DePaul
Reg. No. 28,407



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,253	02/13/2002	Gregory J. Pudlucky	01-410-US	8603
7500	09/01/2004	EXAMINER		
Louis A. DePaul, Esq. REED SMITH LLP P.O. Box 488 Pittsburgh, PA 15230-0488			WEIER, ANTHONY J	
			ART UNIT	PAPER NUMBER
			1761	

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

COPY

REQUIREMENT PLACED ON
DEADLINE CONTROL ON:

9-8-04

81C

(date)

(date)



APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10 076 253			EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

COPY

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

Applicant's failure to timely file a proper reply to the Office letter mailed on _____.

A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

A reply was received on _____, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).

No reply has been received.

Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).

The submitted fee of \$ 655 is insufficient. A balance of \$ 10 is due. The issue fee by 37 CFR 1.18 is \$ 655. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.

The issue fee and publication fee, if applicable, have not been received.

Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).

Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

No corrected drawings have been received.

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

ReedSmith

Cheryl L. Gastineau, Patent Agent
 Direct Phone: 412.288.4152
 Email: cgastineau@reedsmith.com

Reed Smith LLP
 435 Sixth Avenue
 Pittsburgh, PA 15219-1886
 412.288.3131
 Fax 412.288.3063

July 15, 2004

Commissioner for Patents
MAIL STOP ISSUE FEE
 P.O. Box 1450
 Alexandria, VA 22313-1450

Re: Applicant: PODLUCKY
 Title: TEA BREWING SYSTEM
 Serial No.: 10/076,253
 Filed: February 13, 2002
 Conf. No.: 8603
 Art Unit: 1761
 Examiner: A. J. Weier
 Docket No.: 01-410-US

COPY

Dear Sir:

Enclosed are the following for filing in connection with the above-referenced application:

1. A completed Issue Fee Transmittal;
2. A check in the amount of \$665.00 representing the issue fee for a small entity; and

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being
MAILED

Deposited with the United States Postal Service on July 15, 2004, with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, MAIL STOP ISSUE FEE, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on [date] to the U.S. Patent and Trademark Office.

Jody L. Burtner

Type Signature Name


 (Signature of person mailing paper or fee)


 (Signature of person mailing paper or fee)

LONDON • NEW YORK • LOS ANGELES • SAN FRANCISCO • WASHINGTON, D.C. • PHILADELPHIA • PITTSBURGH • OAKLAND • PRINCETON
 FALLS CHURCH • WILMINGTON • NEWARK • MIDLANDS, U.K. • CENTURY CITY • RICHMOND • HARRISBURG • LEESBURG • WESTLAKE VILLAGE

reedsmith.com

MAIL STOP ISSUE FEE
July 15, 2004
Page 2

ReedSmith

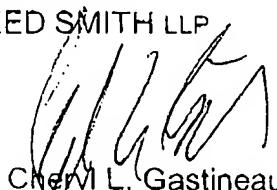
3. A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

The Director is authorized to charge any additional payment due in connection with this submission, or to credit any overpayment to Deposit Account No. 18-0582. A duplicate copy of this authorization is enclosed.

Very truly yours,

REED SMITH LLP

By


Cheryl L. Gastineau
Reg. No. 39,469

COPY

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

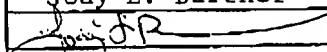
CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7590 05/19/2004

Louis A. DePaul, Esq.
 REED SMITH LLP
 P.O. Box 488
 Pittsburgh, PA 15230-0488

Certificate of Mailing or Transmission
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Jody L. Burtner	(Depositor's name)
	(Signature)
July 15, 2004	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076.253	02/13/2002	Gregory J. Podlucky	01-410-US	8603

TITLE OF INVENTION: TEA BREWING SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	08/19/2004
EXAMINER	ART UNIT	CLASS-SUBCLASS			
WEIER, ANTHONY J	1761	426-435000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
 Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. REED SMITH LLP

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Le-Nature's, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Latrobe, Pennsylvania

Please check the appropriate assignee category or categories (will not be printed on the patent): individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee
 Publication Fee
 Advance Order - # of Copies _____

A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) Cheryl L. Gastineau (Date)

July 15, 2004

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

COPY

PAYEE NAME: DIRECTOR OF THE UNITED STATES		VENDOR ID: 00409	CHK DATE: 07/15/2004	No. 8228330	
DATE	VOUCHER TO	INVOICE NUMBER	DESCRIPTION	AMOUNT	
07/15/2004	663226	071504JLB		\$ 655.00	
					TOTAL \$ 655.00

No. 828330

ReedSmith LLP

P.O. Box 2009
Pittsburgh, PA 15230
07/15/2004
E0-150433

\$ 655.00

PAY Six Hundred Fifty-Five & no/100 Dollars

TO THE ORDER OF

DIRECTOR OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE

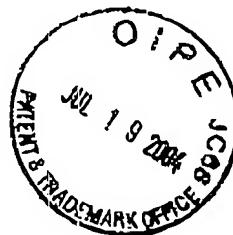
CLB:JLB:1ba

TEA BREWING SYSTEM

The dating stamp of
the Patent and Trademark
Office on this card will be
taken as an indication that the
accompanying paper was
filed.

Completed Issue Fee
Transmittal
RS Check # 928330 - \$655
Return receipt postcard

Ser. No. 10/076,253
Paper Dated 7/15/2004
Atty's File No. 01-410-US
Le-Nature's



4-9-04
1-26-04

COPY

7/15/2004

RECEIVED



REED SMITH LLP
P.O. Box 488
Pittsburgh, Pennsylvania 15230

ATTN: Jody Burtner

27

RECEIVED

SEP 15 2004
CUSTOMER SERVICE
PUBLISHING DIVISION

RECEIVED



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/076,253	02/13/2002	GREGORY J. PODLUCKY	01-410-US

LOUIS Á. DEPAUL, ESQ
REED SMITH L.L.P.
P. O. BOX 488
PITTSBURGE. PA. 05230-0488

EXAMINER	
WEIER, A. J.	
ART UNIT	PAPER NUMBER
1761	

DATE MAILED: 09/20/04

NOTICE OF RESCINDED ABANDONMENT

- In response to your communication filed _____
- Through inadvertence, a Notice of Abandonment was mailed in the above-identified application. The Notice of Abandonment is hereby rescinded. The issue fee receipt will be mailed within six weeks.

for Brenda J. Moore
Manager, Publishing Division
Office of Patent Publication